

**Fox and Fox Attorneys at Law, PC**  
**By: Craig H. Fox, Esquire**  
**Attorney I.D. #49509**  
**700 E. Main Street, Suite 200**  
**Norristown, PA 19401**  
**Telephone: (610) 275-7990**  
**Facsimile: (610) 275-2866**  
[cfox@foxandfoxlaw.com](mailto:cfox@foxandfoxlaw.com)

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: : CHAPTER 13**  
**CHRISTOPHER S. MOYER, :**   
**Debtor(s) : BANKRUPTCY NO. 23-12041-PMM**

**MOTION OF LENDMARK FINANCIAL SERVICES, LLC FOR  
RELIEF FROM AUTOMATIC STAY**

Lendmark Financial Services, LLC ("Lendmark") comes by its attorneys and moves for relief from the automatic stay. In support of its motion, Lendmark avers as follows:

1. Movant is Lendmark Financial Services, LLC ("Lendmark").
2. Respondent is Christopher S. Moyer ("Debtor") who filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code.
3. On or about July 8, 2020, Debtor borrowed money from Lendmark (the "Loan").
4. The Loan was evidenced by a Combination Note, Security Agreement and Federal Disclosure Statement (the "Note"). A copy of the Note is attached to the Proof of Claim that Lendmark filed and is incorporated herein by reference.
5. The proceeds of the Loan were used to purchase a 2014 Chevrolet Silverado 2500 HD (the "Vehicle")
6. The Lendmark Loan is secured by a lien on the Vehicle title.
7. Lendmark also holds a Purchase Money Security interest in the Vehicle.
8. Lendmark filed a secured proof of claim showing a debt of \$9187.49.
9. A reading of the proposed Chapter 13 Plan indicates that neither Debtor nor the Trustee will be paying Lendmark with respect to the Loan.

10. Debtor is in default because Debtor has failed and refused to make the payments required and agreed to.

11. Payments of \$333.99 are due on the 8<sup>th</sup> of each month.

12. Debtor last paid on May 19, 2023, which was for the April 8, 2023 payment.

13. Thereafter, Debtor was given a deferment which pushed his next due date to 7/8/2023.

14. As reflected on the filed proof of claim, when Debtor filed bankruptcy, he was due for one payment plus a late fee.  $\$333.99 \text{ (pmpt)} + \$5.01 \text{ (late fee)} = \$339$ .

15. Debtor is due for each month thereafter. August, September, October and November.

16. The December payment will be due on December 8, 2023.

17. Debtor may not have the Vehicle insured.

18. Lendmark is not adequately protected.

19. Debtor has failed to bring the account current, nor made all required payments on the loan.

20. If Movant is not granted relief, it will suffer irreparable injury, loss and damage.

21. Lendmark requires a Relief Order in order to be able to repossess and sell the Vehicle.

22. Lendmark requests that Debtor return the Vehicle to it.

23. Rule 4001(a)(3) should not be applicable and Movant should be allowed to immediately enforce and implement the Order granting relief from the Automatic Stay

24. Pursuant to 11 U.S.C.A. §362, Bank is entitled to relief from the automatic stay for any one or more of the following reasons:

(a) Cause, included but not limited to:

1. Debtor's continued default and failure to make post-petition monthly payments,

2. lack of adequate protection including but not limited to:

A. failure to make periodic payments;

B. Debtor's failure to provide proof of insurance coverage on the

Vehicle.

25. In the alternative, Bank requests Relief from the Automatic Stay pursuant to 11 U.S.C.A. §362(d) for the following reasons: The property is not necessary for Debtors' effective reorganization.

WHEREFORE, Movant requests that this Court enter the attached Order lifting the Automatic Stay as to it.

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**ORDER**

Upon consideration of the Motion of Lendmark Financial Services, LLC (“Lendmark”) for Relief from the Automatic Stay and any response filed thereto, and after proper notice and an opportunity for hearing, it is hereby ORDERED that:

- a. Lendmark’s Motion shall be and hereby is granted;
- b. The automatic stay is hereby lifted as to Lendmark; and
- c. Lendmark shall be permitted to take all action necessary to repossess and sell the 2014 Chevrolet Silverado 2500 HD Vehicle.
- d. Rule 4001(a)(3) is not applicable and Lendmark may immediately enforce and implement the Order granting relief from the Automatic Stay.

**BY THE COURT:**

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J.

**LOCAL BANKRUPTCY FORM 9014-3**

**UNITED STATES BANKRUPTCY COURT  
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IN RE: : CHAPTER 13  
CHRISTOPHER S. MOYER, :  
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**NOTICE OF MOTION, RESPONSE DEADLINE  
AND HEARING DATE**

Lendmark Financial Services, LLC has filed Motion for Relief From Automatic Stay with the court to lift the automatic stay as to Lendmark's Mortgage loans.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)**

1. If you do not want the court to grant the relief sought in the motion or if you want the court to consider your views on the motion, then on or before 12/26/2023 you or your attorney must do all of the following:

(a) file an answer explaining your position at

U.S. Bankruptcy Court  
Eastern District of Pennsylvania  
Attn: Clerk of Courts  
Robert N.C. Nix Building  
900 Market Street, Suite 400  
Philadelphia, PA 19107-4299

If you mail your answer to the Bankruptcy Clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

(b) mail a copy to the movant's attorney:

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[If applicable, name and address of others to be served.]

2. If you or your attorney do not take the steps described in paragraphs 1(a) and 1(b) above and attend the hearing, the court may enter an order granting the relief requested in the motion.

3. A hearing on the Motion is scheduled to be held before Honorable Patricia M. Mayer on 01/10/2024, at 1:00 p.m. in Courtroom #1, United States Bankruptcy Court, Robert N.C. Nix Building, 900 Market Street, Suite 400, Philadelphia, PA 19107.

4. If a copy of the motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

5. You may contact the Bankruptcy Clerk's office at (215) 408-2800 to find out whether the hearing has been cancelled because no one filed an Answer.

Date:

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**CERTIFICATE OF SERVICE**

The undersigned certifies that he is counsel for Creditor, Lendmark Financial Services, LLC, and he served via regular, first class mail, postage pre-paid a copy of the Motion for Relief from the Automatic Stay, Proposed Order, Notice of Motion, response deadline and hearing date on the date set forth below to the following persons addressed as follows:

U.S. Trustee	Kenneth E. West
Office of the U. S. Trustee	Chapter 13 Trustee
833 Chestnut Street	1234 Market Street, Suite 1813
Suite 500	Philadelphia, PA 19107-3704
Philadelphia, PA 19107	

Brad J. Sadek, Esquire	Christopher S. Moyer
1500 JFK Blvd.	133 S. Main Street, A
Philadelphia, PA 19102-1710	Richlandtown, PA 18955-1050

**FOX AND FOX ATTORNEYS AT LAW,**  
**P.C.**

**DATE: 12/5/2023**

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